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09/918,665	07/31/2001	Janet E. Brandler	4734	2697

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TRASK BRITT  
P.O. BOX 2550  
SALT LAKE CITY, UT 84110

EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,665

Applicant(s)

BRANDLER, JANET E.

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgment*

1. The associate power of attorney filed on 11/13/2002 has been received.
2. The petition for extension of time filed on 11/13/2002 has been received.
3. The amendment filed on 11/13/2002 has been entered.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said children's vehicle seat both when said children's vehicle seat" is unclear.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (5,022,669).

Johnson in figures 1-2 and 5 discloses a children's vehicle seat (10), which maybe be used as both as seat and as a stroller comprising a seat portion (16) for supporting a child in a sitting position. The seat portion includes a bottom portion (24) having a recess therein. Johnson also discloses a back portion (18) connected to the seat portion to support a child's back in the sitting position and at least one wheel (figure 2) attached to the seat portion at a fulcrum point of the children's vehicle seat. The at least one wheel has a first portion and a second portion. Wherein the first portion extends below the bottom portion of the seat portion and the second portion extends into the recess in the bottom of the seat portion when the children's vehicle seat is used as a seat. Johnson further discloses a handle (108) connected to the back portion for tipping the children's onto the at least one wheel to a reclined position for pushing or pulling the children's vehicle seat (figure 5).

Regarding claim 2, Johnson discloses an axle (112) moveably attached to the seat portion of the children's vehicle seat, a first wheel attached to a first end of the axle and a second wheel attached to a second end of the axle. The first wheel, the axle and the second wheel rolled the children's vehicle seat in the reclined position.

Regarding claim 3, Johnson discloses a locking mechanism (118) for securing the axle for preventing the movement thereof (figure 6).

Regarding claim 4, Johnson discloses a locking mechanism (14) for securing at least one of the first or the second wheel from rolling out of the axle.

**8. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (5,022,669).**

Johnson in figures 1-2 and 5 discloses a children's vehicle seat (10), which maybe be used as both as seat and as a stroller comprising a seat portion (16) for supporting a child in a sitting position. The seat portion includes a bottom portion (24) having a first and second edges thereof. Johnson also discloses a back portion (18) connected to the seat portion to support a child's back in the sitting position and at least one wheel (figure 2) attached to the seat portion at a fulcrum point of the children's vehicle seat. The at least one wheel positioned inward toward a center of the seat portion from both the first and second side edges of the bottom portion. Johnson further discloses a handle (108) connected to the back portion for tipping the children's onto the at least one wheel to a reclined position for pushing or pulling the children's vehicle seat (figure 5).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5,022,669) as applied to claim 1 above, and further in view of Nusbaum (4,537,414).**

Johnson discloses a handle, but fails to show at least one handle tube.

Nusbaum in figures 1-3 discloses a combination car seat and stroller comprising a back portion (73), a handle (13) and at least one handle tube (52) incorporated into the back portion. Nusbaum also discloses at least one handle arm (93) moveably contained within the at least one handle tube. The handle arm being extendable and retractable from the handle tube. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the children's vehicle seat of Johnson with the combination car seat and stroller having at least one handle tube as taught by Nusbaum in order to slide the handle into the back portion in the retract position.

Regarding claim 7, Nusbaum discloses a handle grip (92) attached to the at least one handle arm at an exterior of the handle tube for extracting and retracting the at least one handle arm.

Regarding claim 8, Nusbaum discloses at least one spring button (101) attached to the at least one handle arm and at least one button hole in the at least one handle tube for receiving at least one spring button to secure the handle in a fixed position.

**11. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5,022,669) as applied to claim 1 above, and further in view of Eriksen (2,990,190).**

Johnson discloses a back portion, but fails to show a swing arm.

Ariksen in figure 3-4 discloses an infant stroller comprising a back portion (42) and a swing arm (29) attached to the back portion. The swing arm attachment freely swing with gravity and is lockable in a fixed position to support the stroller in a reclined position. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the children's vehicle seat of Johnson with the infant stroller having a swing arm as taught by Ariksen in order to support the stroller under other condition of use.

Regarding claims 12-13 Johnson discloses the children's vehicle seat except for accessories added to the children's vehicle seat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add bottle holders, toy holders, sun visors, rain canopy, diaper bag attachment, storage compartment, attachment straps, eating tray, arm rests, foot rests, foot protectors, entertainment devices, electronic games, movie players and beverage bottles, since it has been held that the provision of additionally, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284.

**12. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5,022,669) in view of Bell (2,661,959).**

Johnson in figures 1-2 and 5 discloses a children's vehicle seat (10), which maybe be used as both as seat and as a stroller comprising a seat portion (16) for supporting a child in a sitting position. The seat portion includes a bottom portion (24) having a recess therein. Johnson also discloses a back portion (18) connected to the seat portion to support a child's back in the sitting position and at least one wheel (figure 2) attached to the seat portion at a fulcrum point of the children's vehicle seat. The at least one wheel has a first portion and a second portion. Wherein the first portion extends below the bottom portion of the seat portion and the second portion extends into the recess in the bottom of the seat portion when the children's vehicle seat is used

as a seat. Johnson further discloses a handle (108) connected to the back portion for tipping the children's onto the at least one wheel to a reclined position for pushing or pulling the children's vehicle seat (figure 5). Johnson discloses a plurality of wheels, but fails to show a wheel assembly attached to the children's seat.

Bell in figures 1-2 discloses a two-wheeled child's carriage comprising a seat portion (13), a back portion (22) and a wheel assembly (12). The wheel assembly attached to the carriage along a fulcrum point for rolling the carriage along a surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the children's vehicle seat of Johnson with the two-wheeled child's carriage having a wheel assembly configuration as taught by Bell in order to provide a low cost and easily to constructed children's vehicle seat for the care of young child.

Regarding claim 17, Bell discloses a first wheel attached to a first side of the seat portion along the fulcrum point of the child's carriage and a second wheel attached to a second side of the seat portion along the fulcrum point of the child's carriage. The first wheel and the second wheel being directly opposite one another (figures 2 and 5).

Regarding claim 18, Bell discloses an axle (10) along the fulcrum point connecting the first and second wheels.

**13. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5,022,669) in view of Bell (2,661,959) as applied to claim 16 above, and further in view of Nusbaum (4,537,414).**

The combination of Johnson and Bell discloses a handle, but fail to show at least one handle tube.



Nusbaum in figures 1-3 discloses a combination car seat and stroller comprising a back portion (73), a handle (13) and at least one handle tube (52) incorporated into the back portion. Nusbaum also discloses at least one handle arm (93) moveably contained within the at least one handle tube. The handle arm being extendable and retractable from the handle tube. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the children's vehicle seat of Johnson in view of Bell with the combination car seat and stroller having at least one handle tube as taught by Nusbaum in order to slide the handle into the back portion in the retract position.

Regarding claim 20, Bell discloses the wheel assembly (12) and a handle (43), which are separable from the carriage's seat.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-4, 6-13 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hung-Hsin discloses a tractive baggage handcart.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

HP *HP*  
December 17, 2002

*Brian L. Johnson*  
BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
12/20/02